

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America )

v. )

GONZALEZ-Cantu, Octaviano )

YOB: 1968 )

Mexican Citizen )

Defendant(s)

Case No.

M-15-0065-M

United States District Court  
Southern District of Texas

JAN 21 2015

David J. Bradley, Clerk

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/20/2015 in the county of Starr in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

21 USC 841 (a)(1)

## Offense Description

Knowingly and intentionally possess,  
with intent to distribute approximately  
136.5 kilograms of marijuana, a Schedule  
I Controlled Substance under the  
Controlled Substance Act.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.Approved to file Embrey Ann Leo  
AKA

Sworn to before me and signed in my presence.

Date: 1/20/2015

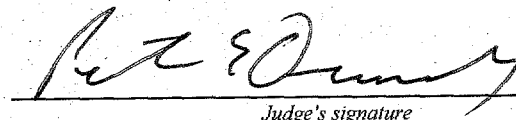
B: 51 am

City and state: McAllen, Texas

Complainant's signature

Leonel E. Reyna, Special Agent, DEA

Printed name and title



Judge's signature

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

On January 20, 2015, at approximately 7:45am, Border Patrol Agent M. Gardner was monitoring the Aerostat 5 (A5) cameras and observed several subjects, who appeared to be carrying bundles, walking north from the Rio Grande River in an area known as the "Abandoned House" in Roma, Texas. Agent Gardner relayed the information regarding the subjects to ground Border Patrol Units. Moments later, Agent Gardner observed a dark in color SUV traveling south toward the river area where Agent Gardner had observed the subjects crossing the river.

A few minutes later, Agent Gardner observed as several subjects ran south from the mentioned vehicle, and the vehicle departed the "Abandoned House" area traveling northbound towards HWY 83. During this time, Border Patrol Agent Blake Lowrance responded to the area and observed the target vehicle approaching HWY 83. Agent Lowrance observed what appeared to be several bundles of marijuana through the rear windows of the target vehicle. As the target vehicle was stopped at a stop sign just south of HWY 83, Agent Lowrance was able to park his Border Patrol service unit on HWY 83, in front of the target vehicle. Agent Lowrance exited his service unit and approached the target vehicle's driver door. Agent Lowrance identified himself as a U.S. Border Patrol Agent, opened the driver's door and instructed the driver, later identified as Octaviano GONZALEZ-Cantu, to turn the ignition of the vehicle off. GONZALEZ-Cantu then placed the vehicle in reverse as Agent Lowrance was reaching for the subject. GONZALEZ-Cantu then placed the vehicle back into drive and accelerated forward again for approximately five (5) feet, striking the driver side of the Border Patrol Marked unit. After struggling for a few moments, Agents Lowrance was able to detain GONZALEZ-Cantu by handcuffing GONZALEZ-Cantu's hands. A search of the vehicle revealed four (4) bundles of marijuana in the back seat and in the back cargo area of the SUV. The vehicle, along with the bundles of narcotics, were transported to the Rio Grande City, Texas Border Patrol Station for processing and storage. The total weight of the bundles was 136.5 kilograms.

On the same date, DEA Special Agents Leonel E. Reyna and Elizabeth Gutierrez responded to the Rio Grande City Border Patrol Station and interviewed GONZALEZ-Cantu. SA Reyna read GONZALEZ-Cantu his Miranda rights in the Spanish language, as witnessed by SA Gutierrez. GONZALEZ-Cantu stated he understood his rights and agreed to make a statement. GONZALEZ-Cantu stated to agents he had an agreement with a subject named Simon Quiros, to drive a vehicle loaded with marijuana from the Rio Grande River area to an unknown stash house. GONZALEZ-Cantu also stated Simon Quiros had advised him (GONZALEZ-Cantu) once the vehicle with the marijuana arrived at the stash location, he would pay him (GONZALEZ-Cantu) \$400.00 dollars for driving the loaded vehicle.

AUSA Toni Trevino was advised of the facts of the case and accepted the case for federal prosecution.